IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5093 OF 2005

Kundalik @ Pintya Bharat Lagade ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. Vikas Shivarkar for the Applicant.
Shri. R.Y. Mirza, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 22, 2005.

P.C.:

1. Heard advocate appearing for the Applicant and the learned A.P.P. for the State.

2. The learned Advocate for the Applicant submitted that the Applicant deserves to be enlarged on bail, considering the fact that his age is only twenty years and he is a bonafide student of an Arts and Commerce College. He submitted that similar allegations have been made against the co-accused who have been enlarged on bail. He submitted that infact, alongwith the chargesheet the prosecution has filed a copy of the statement of the Applicant recorded by the police during the investigation which shows that, at the highest, the Applicant will be a witness.

3. The learned A.P.P. submitted that the co-accused have been ordered to be enlarged on bail as they were not specifically named in the F.I.R. and they could not be identified. The learned A.P.P. on instructions of the Investigating Officer stated that

the Applicant appears to be a bonafide student of the college.

4. I have considered the submissions. Admittedly, investigation is over long back. The allegation against the Applicant seems to be that the Applicant alongwith six to seven other persons assaulted the deceased by using hockey sticks and stumps. The co-accused who were not named in the F.I.R. have been ordered to be enlarged on bail. The learned A.P.P. has placed on record a copy of order dated 20th March, 2005 passed by the learned Additional Sessions Judge, Pune by which application for provisional bail of the Applicant was rejected. However, Superintendent of Central Prison, Yerawada was directed to take the Petitioner under appropriate escort for attending the examination center. The Advocate for the Applicant has placed for my perusal the receipt of showing that the Applicant has secured admission to S.Y.B.Com. course in a college at Akurdi, Pune. Considering the fact that age of the Applicant is stated to be twenty years and he appears to be student of S.Y.B.Com. class and as investigation is completed, a case is made out for enlarging the Applicant on bail.

5. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.62 of 2005 of Pimpri Police Station, Pune,** subject to furnishing a personal bond of **Rs.15,000/-** with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant will mark attendance at the concerned Police Station on every Sunday at 11.00 a.m. till conclusion of trial.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of

opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE